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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,597	01/16/2004	Ryuji Nishikawa	492322016000	5394
25227	7590	08/19/2005		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER RAABE, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,597

Applicant(s)

NISHIKAWA ET AL.

Examiner

Christopher M. Raabe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Eida et al. (US Pre-grant Publication 2001/0050532).

With regard to claim 1,

Eida et al. disclose an electroluminescent display device comprising: a plurality of pixels disposed on an insulating substrate (paragraph 144); a color filter layer provided in each of the pixels and formed above the insulating substrate (paragraphs 199-201, and 11 of figs 3,9); an anode layer disposed above each of the color filter layers (paragraph 129, and 2 of figs 3,9); a first planarization insulating film interposed between the color filter layers and the anode layers (paragraph 67, and 10 of fig 3, left 6 of fig 9); a second planarization insulating film disposed above the first planarization insulating film and extending over the anode layers so as to cover end portions of the anode layers (paragraphs 67 and 150, and 3 of figs 3,9) ; an electroluminescent layer disposed above each of the anode layers (paragraph 67, and 4 of figs 3,9); and a cathode layer disposed above the electroluminescent layers (paragraph 67, and 5 of figs 3,9), wherein each of the color filter layers overlaps with the second planarization insulating film by a length that is larger than a sum of a thickness of the anode layer and a thickness of the

first planarization insulating film located above the color filter layers (paragraphs 133, 160, 219; and fig 9).

With regard to claim 2,

Eida et al. disclose the electroluminescent display device, wherein the electroluminescent layer comprises a white electroluminescent layer (paragraph 201).

With regard to claim 3,

Eida et al. disclose the electroluminescent display device, wherein the white electroluminescent layer is an organic electroluminescent layer (paragraph 201).

With regard to claim 4,

Eida et al. disclose an electroluminescent display device comprising: a color filter layer (paragraphs 199-201, and 11 of figs 3,9); a first planarization insulating film disposed on the color filter layer (paragraph 67, and 10 of fig 3, left 6 of fig 9); an anode layer disposed on the first planarization insulating film (paragraph 129, and 2 of figs 3,9); a second planarization insulating film disposed above the first planarization insulating film and extending over the anode layer (paragraphs 67 and 150, and 3 of figs 3,9); an electroluminescent layer disposed on the anode layer (paragraph 67, and 4 of figs 3,9); and a cathode layer disposed above the electroluminescent layer (paragraph 67, and 5 of figs 3,9), wherein the color filter layer overlaps with the second planarization insulating film by a length that is larger than a sum of a thickness

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of the anode layer and a thickness of the first planarization insulating film (paragraphs 133, 160, 219; and fig 9).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pre-grant Publications 2002/0192576, 2003/0214248, 2004/0051448, 2002/0063518, 2002/0113546, 20030098645.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR


ASHOK PATEL
PRIMARY EXAMINER